

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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FREDERICK R. SCHMITT,

Petitioner,

v.

ORDER

RICHLAND COUNTY CLERK OF  
CIRCUIT COURT, and JUDGE LEINEWEBER,

16-cv-93-jdp

Respondents.

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Petitioner Frederick R. Schmitt brings a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Dkt. 1. I concluded in a previous order that the petition appeared untimely, but I gave petitioner an opportunity to respond and address whether his petition was timely. Dkt. 7.

Petitioner has responded, Dkt. 8, but he has failed to overcome the untimeliness of his petition. Instead of explaining why it took so long to file the petition, petitioner states in conclusory fashion that he has made all of the following showings: he was diligent, an extraordinary circumstance stood in his way, he is entitled to equitable tolling, and he has demonstrated actual innocence. Dkt. 8, at 2. However, he has not supported any of these contentions. None of the exhibits that petitioner filed with his response account for his untimeliness in filing his petition. Accordingly, I conclude that the petition is untimely and that petitioner has failed to show any reason that the untimeliness should be excused. I will dismiss the petition.

IT IS ORDERED that petitioner Frederick R. Schmitt's petition for a writ of habeas corpus is DISMISSED with prejudice. The clerk of court is directed to close this case.

Entered August 9, 2016.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge